



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERIT CAPITAL GROUP, LLC,

Plaintiff,

-against-

TRIO INDUSTRIES MANAGEMENT, LLC,
TRIO INDUSTRIES HOLDINGS, LLC,
EVAN R. DANIELS, and ROBERT E. GYEMANT,

Defendants.
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TRIO INDUSTRIES MANAGEMENT, LLC,
TRIO INDUSTRIES HOLDINGS, LLC,

Third Party Plaintiffs,

-against-

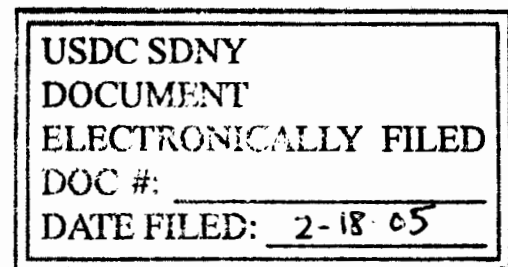
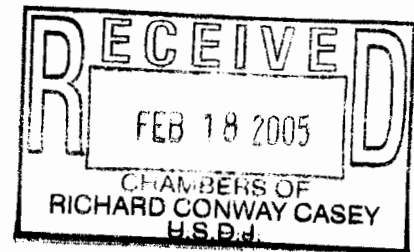
HARVEY M. BLOCH, ALFRED SALAZAR
and THOMAS J. MANCUSO,

Third Party Defendants.
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MEMO ENDORSED

PRETRIAL SCHEDULING STIPULATION AND ORDER

Case No. 04 Civ. 7690 (RCC)



IT IS HEREBY STIPULATED AND AGREED by counsel for plaintiff Merit Capital Group, LLC ("plaintiff") and third-party defendants Harvey M. Bloch and Alfred Salazar ("third-party defendants"), on the one hand, and counsel for defendants Trio Industries Management, LLC, Trio Industries Holdings, LLC, Evan R. Daniels, and Robert E. Gyemant ("defendants") and third-party plaintiffs Trio Industries Management, LLC and Trio Industries Holdings, LLC

("third-party plaintiffs"), on the other hand – and third-party defendant Thomas J. Mancuso having not appeared in this action – as follows:

1. Defendants/Third-Party Plaintiffs, by March 18, 2005, shall respond to the requests for the production of documents and interrogatories previously served by Plaintiff/Third-Party Defendants on January 4, 2005.
2. Defendants/Third-Party Plaintiffs, by March 18, 2005, shall serve any requests for the production of documents and interrogatories; and Plaintiff/Third-Party Defendants, by April 22, 2005, shall respond to any such requests for the production of documents and interrogatories served by Defendants/Third-Party Plaintiffs.
3. Any requests to admit shall be served by April 22, 2005.
4. Any experts are to be designated by April 22, 2005, and all experts' reports shall be exchanged by May 2, 2005. Experts may be deposed, but such depositions must occur within the time limit set forth for all depositions set forth below.
5. All depositions shall be completed by May 31, 2005.
6. All discovery is to be completed by May 31, 2005.
- ~~7. All dispositive motions, if any, shall be served and filed by June 24, 2005; opposition papers by July 22, 2005; and reply papers by July 29, 2005.~~
8. All ~~other~~ motions, applications, requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

A pre-motion conference will be required before any dispositive motion (including a motion to dismiss) may be filed. The Court will confirm the parties' briefing schedule at the pre-motion conference.

9. The parties shall appear for a case management conference on

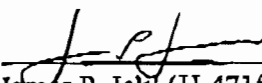
Friday,
June 3, 2005
at 9:30 AM in
Courtroom 14C.

Dated: February 17, 2005


SHUSTAK JALIL & HELLER, P.C.
Attorneys for Defendants
and Third-Party Plaintiffs

GERSTEN, SAVAGE, KAPLOWITZ
WOLF & MARCUS, LLP
Attorneys for Plaintiff and Third-Party
Defendants Harvey M. Bloch
and Alfred Salazar

By:


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By:


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SO ORDERED:

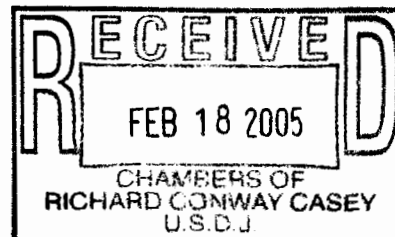


Hon. Richard Conway Casey
United States District Court Judge

Feb. 18, 2005

GERSTEN, SAVAGE, KAPLOWITZ, WOLF & MARCUS, LLP

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February 17, 2005

VIA OVERNIGHT DELIVERY

The Honorable Richard Conway Casey
United States District Court Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Merit Capital Group, LLC v. Trio Industries Management, LLC, et al.
Case No. 04 CIV 7690 (RCC)

Dear Judge Casey:

My firm represents plaintiff Merit Capital Group, LLC and third-party defendants Harvey Bloch and Alfred Salazar. I have conferred with defendants' and third-party plaintiffs' new counsel, and we have entered into a pretrial scheduling stipulation, which is enclosed for Your Honor's review. The parties jointly and respectfully request that Your Honor "so order" the enclosed pretrial scheduling stipulation.

Your Honor's attention and consideration of this matter is greatly appreciated.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marc R. Rosen".

Marc R. Rosen

MRR/nw (w/encl.)

cc: Susan C. Stanley, Esq. (via overnight delivery)